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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/270,461	03/15/1999	JONATHAN D. BUCKLEY		2532

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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/270,461

Applicant(s)

BUCKLEY ET AL.

Examiner

Matsuichiro Shimizu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 6 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Eppler (5,062,232).

Regarding claim 1, Pugh discloses in combination: a firearm; and an electromechanical locking apparatus for preventing the unauthorized firing of said firearm (col. 3, lines 30-37 and 63-65, decoder (25) and locking rod (41) provide the prevention of unauthorized firing); said electromechanical locking apparatus including: blocking means for blocking normal operation of said firearm (col. 3, lines 30-37 and 63-65, decoder (25) and locking rod (41) provide blocking means); power supply means (col. 3, lines 38-45, power supply) for supplying power; and power control means for controlling the supply of power to said blocking means from said power supply means to enable activation of said blocking means to prevent operation of said firearm (Fig. 2, col. 3, lines 8-20, see switches (38 and 49) for controlling power supply).

Regarding claim 2, Pugh continues, as disclosed in claim 1, to disclose said power control means includes means for operatively connecting said power supply means to said blocking means to prevent operation of said firearm (Fig. 2, col. 3, lines 8-20, see switches (38 and 49) for controlling power supply).

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Regarding claim 14, Pugh continues, as disclosed in claim 1, to disclose the combination in which said power supply means includes an expendable battery (col. 3, lines 38-45, power supply (27)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh in view of West et al. (5,704,151).

Regarding claims 3, Pugh continues, as disclosed in claim 1, to disclose decoding means (col. 2, lines 33-50, decoder means (D)). But Pugh does not Pugh a keypad assembly; and said keypad assembly includes: selection buttons for enabling selection of a series of numbers in sequence.

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However, West discloses, in the art of firearm safety, a keypad assembly; and said keypad assembly includes: selection buttons for enabling selection of a series of numbers in sequence to provide authorized usage of firearm (col. 4, lines 25-43, keypad (5) and buttons pressed in a predetermined sequence). Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a keypad assembly; and said keypad assembly includes: selection buttons for enabling selection of a series of numbers in sequence in the device of Pugh as evidenced by West because Pugh suggest decoding means coupled to signal provided by ring (11) and West teaches a keypad assembly; and said keypad assembly includes: selection buttons for enabling selection of a series of numbers in sequence to provide authorized usage of firearm.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh in view of Kaminski (6,237,271).

Regarding claims 9, Pugh continues, as disclosed in claim 1, to disclose said firearm includes a rotatable trigger; and said blocking means includes blocking means for blocking normal operation of said firearm (col. 3, lines 30-37 and 63-65, decoder (25) and locking rod (41) provide blocking means). But Pugh does not disclose blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means; and axial moving means connected to said gear train, said axial moving means includes means for preventing rotation of said trigger of said firearm.

However, Kaminski discloses, in the art of firearms, blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means; and axial moving means connected to said gear train,

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said axial moving means includes means for preventing rotation of said trigger of said firearm (col. 4, lines 48-58, a gear motor moving a pin to block movement of the trigger) to provide a safety against non-intentional firing. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means; and axial moving means connected to said gear train, said axial moving means includes means for preventing rotation of said trigger of said firearm in the device of Pugh as evidenced by Kaminski because Pugh suggests said blocking means includes blocking means for blocking normal operation of said firearm via locking rod teaches blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means; and axial moving means connected to said gear train, said axial moving means includes means for preventing rotation of said trigger of said firearm to provide a safety against non-intentional firing.

4. Claims 10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh in view of Kaminski as applied to claim 9 above, and further in view of Eppler (5,062,232).

Regarding claim 10, Pugh continues, as disclosed in claim 9, to disclose said firearm includes a rotatable trigger; and said blocking means includes blocking means for blocking normal operation of said firearm (col. 3, lines 30-37 and 63-65, decoder (25) and locking rod (41) provide blocking means). But Pugh in view of Kaminski does not disclose said trigger of said firearm has at least one aperture; and said preventing means of said axial moving means includes a pin for disposition in said aperture in said trigger of said firearm when said axial moving means is activated to prevent rotation of said trigger of said firearm.

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However, Eppler discloses, in the art of firearms, said trigger of said firearm has at least one aperture; and said preventing means of said axial moving means includes a pin for disposition in said aperture in said trigger of said firearm when said axial moving means is activated to prevent rotation of said trigger of said firearm (col. 2, lines 46-66, plunger(21) into the opening (11) in the trigger to disable trigger) to provide a safety against non-intentional firing. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include said trigger of said firearm has at least one aperture; and said preventing means of said axial moving means includes a pin for disposition in said aperture in said trigger of said firearm when said axial moving means is activated to prevent rotation of said trigger of said firearm in the device of Pugh in view of Kaminski as evidenced by Eppler because Pugh in view of Kaminski suggest said blocking means includes blocking means for blocking normal operation of said firearm via locking rod and Eppler teaches said trigger of said firearm has at least one aperture; and said preventing means of said axial moving means includes a pin for disposition in said aperture in said trigger of said firearm when said axial moving means is activated to prevent rotation of said trigger of said firearm to provide a safety against non-intentional firing.

Regarding claim 12, Eppler continues, as disclosed in claim 10, to disclose the combination in which said gear train has a threaded output shaft of a sufficient length to axially move said pin (col. 4, lines 48-58, a gear motor is associated with a threaded output shaft).

Regarding claim 13, Eppler continues, as disclosed in claim 10, to disclose the combination in which said axial moving means includes: a threaded box having a pin trapped therein; and resilient means exerting tension on said pin from its end closest to said gear train

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(col. 4, lines 48-58, a gear motor is associated with a thread box and resilient means to move the pin (21)).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh in view of West as applied to claim 3 above, and further in view of Kaminski (6,237,271).

Regarding claim 4, Pugh continues, as disclosed in claim to disclose said firearm includes a rotatable trigger; and said blocking means includes blocking means for blocking normal operation of said firearm (col. 3, lines 30-37 and 63-65, decoder (25) and locking rod (41) provide blocking means). But Pugh does not disclose blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means; and axial moving means connected to said gear train, said axial moving means includes means for preventing rotation of said trigger of said firearm.

However, Kaminski discloses, in the art of firearms, blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means; and axial moving means connected to said gear train, said axial moving means includes means for preventing rotation of said trigger of said firearm (col. 4, lines 48-58, a gear motor moving a pin to block movement of the trigger) to provide a safety against non-intentional firing. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means; and axial moving means connected to said gear train, said axial moving means includes means for preventing rotation of said trigger of said firearm in

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the device of Pugh in view of West as evidenced by Kaminski because Pugh in view of West suggest said blocking means includes blocking means for blocking normal operation of said firearm via locking rod teaches blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means; and axial moving means connected to said gear train, said axial moving means includes means for preventing rotation of said trigger of said firearm to provide a safety against non-intentional firing.

6. Claims 5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh in view of West and Kaminski as applied to claim 4 above, and further in view of Eppler (5,062,232).

Regarding claim 5, Pugh continues, as disclosed in claim 4, to disclose said firearm includes a rotatable trigger; and said blocking means includes blocking means for blocking normal operation of said firearm (col. 3, lines 30-37 and 63-65, decoder (25) and locking rod (41) provide blocking means). But Pugh in view of West and Kaminski does not disclose said trigger of said firearm has at least one aperture; and said preventing means of said axial moving means includes a pin for disposition in said aperture in said trigger of said firearm when said axial moving means is activated to prevent rotation of said trigger of said firearm.

However, Eppler discloses, in the art of firearms, said trigger of said firearm has at least one aperture; and said preventing means of said axial moving means includes a pin for disposition in said aperture in said trigger of said firearm when said axial moving means is activated to prevent rotation of said trigger of said firearm (col. 2, lines 46-66, plunger(21) into the opening (11) in the trigger to disable trigger) to provide a safety against non-intentional

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firing. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include said trigger of said firearm has at least one aperture; and said preventing means of said axial moving means includes a pin for disposition in said aperture in said trigger of said firearm when said axial moving means is activated to prevent rotation of said trigger of said firearm in the device of Pugh in view of West and Kaminski as evidenced by Eppler because Pugh in view of West and Kaminski suggest said blocking means includes blocking means for blocking normal operation of said firearm via locking rod and Eppler teaches said trigger of said firearm has at least one aperture; and said preventing means of said axial moving means includes a pin for disposition in said aperture in said trigger of said firearm when said axial moving means is activated to prevent rotation of said trigger of said firearm to provide a safety against non-intentional firing.

Regarding claim 7, Eppler continues, as disclosed in claim 5, to disclose the combination in which said gear train has a threaded output shaft of a sufficient length to axially move said pin (col. 4, lines 48-58, a gear motor is associated with a threaded output shaft).

Regarding claim 8, Eppler continues, as disclosed in claim 5, to disclose the combination in which said axial moving means includes: a threaded box having a pin trapped therein; and resilient means exerting tension on said pin from its end closest to said gear train (col. 4, lines 48-58, a gear motor is associated with a thread box and resilient means to move the pin (21)).

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Allowable Subject Matter

5. Claims 6 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Said trigger of said firearm has two apertures with one of said apertures receiving said pin when said trigger is in its cocked position and the other of said apertures receiving said pin when said trigger is in its uncocked position upon activation of said axial moving means, as claimed in dependent claims 6 and 11 are not taught nor suggested by the prior art of record.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Micheal Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu



March 21, 2002

**MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**



Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes **incorporated** therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.